**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**SECOND APPEAL NO.592 OF 2004**

Vardhaman Adinath Upadhye ...Appellant

vs.

Smt.Kusum Parshwanath Upadhye & Ors. ...Respondents

Mr.S.M.Kamble i/b Mr.Ganesh K. Gole for the Appellant

**CORAM: A.S.OKA,J.**
**DATE : APRIL 27,2005.**

**P.C.:**

1. Second Appeal is filed by the original Plaintiff No.1. The Trial Court dismissed the suit filed by the Plaintiff and the said decree has been confirmed by the Appellate Court. I have heard Shri Kamble, learned Counsel for the Appellant. The property in dispute is a terrace on 3rd floor of the building in question. The finding of fact recorded by both the courts below is that the disputed property is not allotted to the share of the present Appellant under the registered deed of partition executed on 25th September 1958.

2. In view of the concurrent findings of fact recorded on the basis of deed of partition, no substantial question of law arises. Second Appeal is dismissed with no order as to costs.

**JUDGE.**